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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E
P A T E N T & T R A D E M A R K O F F I C E
S E P 2 4 2 0 0 3

In re application of

Masayuki SAKATA

Appln. No.: 09/874,219

Confirmation No.: 5671

Filed: June 6, 2001

For: METHOD AND NETWORK FOR TOLERATING A FAULT ON HUBS AND LINES

Docket No: Q64862

Group Art Unit: 2661

Examiner: Unknown

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SEP 25 2003

Technology Center 2600

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein, and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. BayStack 410 and 450 Switches, Nortel Networks, August 1999, pp. 20-30.
2. Japanese Unexamined Patent Application Publication No. 6-110800, published April 22, 1994.
3. Japanese Unexamined Patent Application Publication No. 10-11369, published January 16, 1998.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under § 1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3)

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INFORMATION DISCLOSURE STATEMENT

Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action dated June 24, 2003, and an English translation of the pertinent portions thereof, which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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23373
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Date: September 24, 2003

Ref Q64862

The inventions as per the following claims of this application could easily have been invented based on the inventions described in the publications indicated below, which had been distributed in Japan or abroad prior to the filing of this application, by a person having ordinary knowledge in the technical field of the invention prior to the filing of this application, and therefore cannot be patented as per the stipulations of Article 29, Paragraph 2 of the Patent Law.

Note

▪ **Claims 1, 2, 4 and 5**

Cited Example 1: BayStack 410 and 450 Switches, NORTEL NETWORKS, August 1999, pp. 20–30, www.cssa.net/prodev/baystackpres.ppt

Cited Example 2: Japanese Unexamined Patent Application Publication H06-110800

Cited Example 3: Japanese Unexamined Patent Application Publication H10-011369

Remarks

The invention as per the present application is not particularly different from the hub with local servers and mission-critical PCs connected, described on page 23 of Cited Example 1, with redundant power supplies.

▪ **Claims 3 and 6**

Cited Examples 1 through 3

Remarks

When continuing communication upon changeover from active to reserve, providing notification that the changeover was made if communication cannot be continued without notification that the changeover was made is found not to go beyond the ordinary exercise of creative capabilities of a person skilled in the art. If necessary, refer to Cited Examples 2 and 3.

Substitute for Form 1449 A & B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	09/874,219
		Confirmation Number	5671
		Filing Date	June 06, 2001
		First Named Inventor	Masayuki SAKATA
		Art Unit	2661
		Examiner Name	Unknown
		Attorney Docket Number	Q64862
Sheet	1	of	

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FOREIGN PATENT DOCUMENTS

NON PATENT LITERATURE DOCUMENTS

NONPATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		BayStack 410 and 450 Switches, Nortel Networks, August 1999, pp. 20-30.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.